

EXHIBIT 5 - AS REDACTED

Andrew Smith

December 11, 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Case No. 17-CV-347-JHP-JFJ

VIDEO DEPOSITION OF ANDREW SMITH
December 11, 2017

KYLE GOINS, KARI GOINS,
Plaintiffs,
vs.

CSAA FIRE & CASUALTY INSURANCE COMPANY,
a foreign for profit Insurance Corporation,
Defendant.

CONTAINS CONFIDENTIAL INFORMATION
ON THE FOLLOWING PAGES:

Pages 62, Line 8 through 64, Line 19
Page 71, Lines 16-21

APPEARANCES:

MICHAEL MCGREW and ASSOCIATES

By Michael McGrew, Esq.

400 North Walker, Suite 115

Oklahoma City, Oklahoma 73102

Appearing on behalf of Plaintiffs

PIGNATO, COOPER, KOLKER & ROBERSON, P.C.

By Gerard F. Pignato, Esq.

119 North Robinson, 11th Floor

Oklahoma City, Oklahoma 73102

Appearing on behalf of Defendant

Also Present: Maryvonne Tompkins, videographer

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1 A Correct.

2 Q We know by looking at these photos
3 where we have seal strip transfer, like in No. 21,
4 that the shingles have been sealed, correct?

5 A Correct.

6 Q Additionally, you can see that it's
7 fresh-looking and black as opposed to weathered
8 and grayed, correct?

9 A Uh-huh.

10 Q Yes?

11 A Yes.

12 Q That's also telling an adjuster such as
13 yourself that they have been somewhat recently
14 unsealed; isn't that right?

15 A Yeah, you would say that.

16 Q And you remember the bullet point where
17 they talked about looking for debris underneath
18 you can see this -- Do you see this line
19 (pointing) on No. 21 -- an --
20 sealant strip?

21 A Yes.

22 Q You can see that it's weathered there,
23 correct?

24 A Yes.

25 Q But the weathering stops at the seal

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1 strip, doesn't it?

2 A Yes.

3 Q Which tells you that up until recently,
4 that shingle had been sealed?

5 A Yes.

6 Q And because it's recent, that tends to
7 suggest that a weather event may have unsealed
8 this, doesn't it?

9 MR. PIGNATO: Object to the form.

10 THE DEPONENT: Object -- Object to the
11 form, or . . .

12 MR. PIGNATO: When I make that
13 objection, it's -- I'm making that for the record.

14 THE DEPONENT: Uh-huh.

15 MR. PIGNATO: Don't pay any attention
16 to it.

17 THE DEPONENT: Okay.

18 MR. PIGNATO: If you know the answer,
19 answer it. If you don't know the answer, tell
20 him.

21 A So can we repeat the question?

22 Q (By Mr. McGrew) Sure. Because it's
23 fresh sealant strip, as you told us, and you can
24 see this debris barrier outside, it tells you that
25 it hasn't been unsealed for very long, doesn't it?

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1 A Correct.

2 Q And that is suggestive of a recent
3 weather event, isn't it?

4 A Correct. Yeah.

5 Q And you probably recall this: In the
6 Tulsa area in general, there was many windstorms
7 over the past year and a half, wasn't there?

8 A Yeah. All of --

9 MR. PIGNATO: Object to the form.

10 A All of Oklahoma.

11 Q (By Mr. McGrew) Photo No. 25 is
12 indicative not of improper install, but more
13 consistent with a recent weather event, isn't it?

14 A I don't believe I know the answer to
15 that question.

16 Q Well, the only other choices you can
17 think of, I mean, if it's improper install because
18 of some overdriven nails --

19 A It could still seal even if the nails
20 are overdriven.

21 Q But the fact --

22 A It would just back out.

23 Q But the -- But we know that they've
24 come unsealed recently as you look through these
25 pictures -- can't you? -- because it's fresh and